THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.28689 OF 1995

DATE: 31st October 2006

Between:

1. M.Ram Babu, s/o Appala Raju,
   aged 33 years, r/o Mullerimallavaram village
   via Kothapalli, Gokavaram Mandal,
   East Godavari District and another.

…Petitioners.

And

1. A.P. Residential Educational Institutions Society,
   rep. by itsSecretary, Kandara Complex,
   Abids, Hyderabad and another.

…Respondents.

* * *

ORDER:

This writ petition is filed seeking a writ of Mandamus directing the respondents to consider the cases of the petitioners for regularization/regular appointment as Attender and Gardener respectively having regard to the temporary service in terms of G.O.Ms.No.98, Education, dated 08.4.1993 and G.O.Ms.No.212, Finance and Planning Department, dated 22.4.1994, without reference to the requirement of being in service as on 25.11.1993 and further declare the orders issued in Rc.No.9242/C2-1/95, dated 13.10.1995, as arbitrary and illegal.

2. It is the case of the petitioners that they were appointed with effect from 01.7.1988 and 01.6.1986 respectively and both of them have been in continuous service till 01.10.1993 except with artificial breaks of one day after every 90 days. Though they were

designated as Attender and Contingent Worker/Gardener on ad-hoc basis, they were discharging the functions of full time employees. As the respondents failed to regularize their services even after six years, the petitioners along with ten other ad-hoc employees filed W.P.No.14299 of 1992 before this Court. The said writ petition was disposed of on 07.7.1993 directing appointment of the persons selected as per the recruitment held earlier. Insofar as the petitioners are concerned the writ petition was dismissed, as they could not establish that they had applied for the said posts. Thereafter, their services were discontinued with effect from 30.9.1993 and 01.10.1993 pursuant to the judgment dated 07.7.1993 in W.P.No.14299 of 1992.

3. It is their case that State Government issued G.O.Ms.No.98 dated 08.4.1993 prescribing procedure for regularization for ad-hoc/daily wage employees of non-teaching staff in various educational institutions under the management of the respondent society. No conditions relating to length of ad-hoc service for regularization were prescribed. In various educational institutions the services of the persons appointed long subsequent to the petitioners were regularized, but their cases were not considered. Subsequently, Government issued G.O.Ms.No.212, Finance and Planning Department, dated 22.4.1994, prescribing that such of those employees who worked continuously for a period of five years and are continuing in service as on 25.11.1993 be regularized.

4. It is the grievance of the petitioners that their cases were not considered either under G.O.Ms.No.98 or G.O.Ms.No.212. The first respondent rejected the representation made by the

petitioners for regularization of their services under G.O.Ms.No.212 by orders dated 13.10.1995 on the ground that they were not in service as on 25.11.1993.

5. The case of the petitioners is that during the subsistence of G.O.Ms.No.98 dated 08.4.1993, their cases were not properly considered and by the time G.O.Ms.No.212 was issued they became ineligible for being considered since they were not in service as on 25.11.1993. The petitioners have produced some service certificates issued by the A.P. Residential School, Addateegala, East Godavari District, showing that they have worked for some period. But that itself will not have any effect as per G.O.Ms.No.212. They could not satisfy the criteria, therefore, the order passed by the respondents in rejecting the case of the petitioners cannot be said to be either arbitrary or illegal. I am of the opinion that no case is made out; therefore, the writ petition is liable to be dismissed.

6. The writ petition is accordingly dismissed. However, this will not preclude the authorities from engaging the petitioners on any other basis and considering their regularization if they have been considered for appointment for any reasons during pendency of the writ petition. No costs.

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C.V.RAMULU, J.

Date: 31st October 2006.
BSB